

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13452, of Ronald Wooten, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot width requirements (Sub-section 3301.1) and the rear yard requirements (Sub-section 3304.1) to construct a single family dwelling in an R-1-A District at the premises 2131 Sudbury Place, N.W., (Square 2754, Lot 14).

HEARING DATE: March 18, 1981

DECISION DATE: March 18, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-1-A District at the north end of the cul-de-sac of Sudbury Place.
2. The subject lot faces the circle at the end of the cul-de-sac. Its front lot line is part of the circumference of the circle, which has a radius of fifty feet.
3. The subject lot is irregularly shaped, having a total of eight sides. The lot resembles an arrowhead, with the point at the rear.
4. The subject property is vacant and wooded. The applicant proposes to construct a detached single family dwelling on the lot.
5. The R-1-A District requires a minimum lot area of 7,500 square feet and a minimum lot width of seventy-five feet. The lot has an area of 7,506 square feet. However, because of the irregular shape of the lot, the width averages only 43.55 feet. A variance of 31.45 feet is thus required.
6. The house as proposed has side yards that exceed the normal minimum requirements of eight feet.
7. The yard adjacent to the north-east side of the house which is the functional rear of the house, is twenty-five feet in width. This would meet the normal rear yard requirement. However, because of the irregular shape and dimensions of the lot, the rear yard is measured adjacent to two sides of the house perpendicular to the front. This causes the rear yard to be computed as an average of only twenty feet in depth. A variance of five feet is thus required.

8. In application No. 11892, by Order dated April 30, 1975, the Board approved a similar rear yard variance from the adjoining property at 2115 Sudbury Place. The owners of this property submitted a letter to the record in support of the application.

9. The applicant submitted a petition signed by twenty-one owners of property within 200 feet of the subject property. The petition signers did not oppose the subject application.

10. The Commission of Fine Arts has approved the design of the proposed dwelling because it is adjacent to a portion of Rock Creek Park.

11. Advisory Neighborhood Commission - 4A, by letter dated February 20, 1981 reported that it had no objection to the proposed construction of a residence on the subject site or to the approval of the requested variances.

12. There was no opposition to the application.


CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the irregular shape of the lot does constitute such an exceptional condition. The Board further concludes that denial of the application would preclude any use of the lot, and would constitute a practical difficulty for the applicants. The Board notes the unanimous support for the application. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh and Connie Fortune to GRANT; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 15 APR 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.